

HOUSE JOINT RESOLUTION 742

By Powell

A RESOLUTION to propose an amendment to Article XI, of the Constitution of Tennessee, relative to medical cannabis.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED TWELFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article XI of the Constitution of the State of Tennessee be amended by adding the following language as a new section:

The Legislature shall provide by law for:

- (a) The use by a patient, upon the advice of the patient's physician, of a plant of the genus Cannabis for the treatment or alleviation of cancer; glaucoma; acquired immunodeficiency syndrome; severe, persistent nausea or cachexia resulting from these or other chronic or debilitating medical conditions; epilepsy and other disorders characterized by seizure; multiple sclerosis and other disorders characterized by muscular spasticity; or other conditions approved pursuant to law for such treatment;
- (b) Restriction of the medical use of the plant by a minor to require diagnosis and written authorization by a physician, parental consent, and parental control of the acquisition and use of the plant;
- (c) Protection of the plant and property related to its use from forfeiture except upon conviction or plea of guilty or nolo contendere for possession or use not authorized by or pursuant to this section;
- (d) A registry of patients, and their attendants, who are authorized to use the plant for a medical purpose, to which law enforcement officers may resort to verify a claim of authorization and which is otherwise confidential;

(e) Authorization of appropriate methods for supply of the plant to patients authorized to use it, including through the in-state cultivation, processing, and sale of cannabis plant material and products derived from cannabis;

(f) Oversight of the medical cannabis program by the department of health, or another state agency or commission focused on medical cannabis, to include rulemaking authority and the ability to establish and ensure a safe, viable medical cannabis program focused on benefiting patients; and

(g) The levying of a tax at the rate of four percent (4%) on the retail sale of medical cannabis, with a portion of such revenue being dedicated to assist military veterans in need with respect to health care.

This section does not:

(a) Authorize the use or possession of the plant for a purpose other than medical or use for a medical purpose in public; or

(b) Require reimbursement by an insurer for medical use of the plant or accommodation of medical use in a place of employment.

BE IT FURTHER RESOLVED, that the foregoing amendment be referred to the One Hundred Thirteenth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of Tennessee by posting such amendment on the official website of the Secretary of State and on the official website of the General Assembly.

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives is directed to deliver copies of this resolution to the Secretary of State and to the Director of the Office of Legislative Information Services.